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AZ CORP COMMISSION
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CARL J. KUNASEK
CHAIRMAN
JIM IRVIN
COMMISSIONER
WILLIAM A. MUNDELL
COMMISSIONER

IN THE MATTER OF THE APPLICATION OF
VAIL WATER COMPANY FOR A RATE
INCREASE

DOCKET NO. W-01651A-99-0406

**RATE CASE
PROCEDURAL ORDER**

BY THE COMMISSION:

On June 18, 1999, Vail Water Company ("Applicant" or "Company") filed with the Arizona Corporation Commission ("Commission") a rate application.

On July 19, 1999, the Commission's Utilities Division Staff filed a letter notifying the Company that its application met the sufficiency requirements outlined in A.A.C. R14-2-103 and classifying the Company as a Class C utility.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the hearing in the above-captioned matter shall commence on February 3, 2000, at 10:00 a.m. or as soon thereafter as is practical, at the Commission's offices, Room 222, 400 West Congress St., Tucson, Arizona.

IT IS FURTHER ORDERED that the Staff Report and/or any testimony and associated exhibits to be presented at hearing on behalf of Staff shall be reduced to writing and filed on or before noon on December 1, 1999.

IT IS FURTHER ORDERED that any testimony and associated exhibits to be presented at hearing on behalf of intervenors shall be reduced to writing and filed on or before noon on December 1, 1999.

IT IS FURTHER ORDERED that any rebuttal testimony and associated exhibits to be presented at hearing by the Company shall be reduced to writing and filed on or before noon on January 5, 2000.

1 IT IS FURTHER ORDERED that any surrebuttal testimony and associated exhibits to be
2 presented by the Staff or intervenors shall be reduced to writing and filed on or before **noon on**
3 **January 21, 2000.**

4 IT IS FURTHER ORDERED that any rejoinder or surrebuttal testimony and associated
5 exhibits to be presented at the hearing shall be presented orally at the hearing.

6 IT IS FURTHER ORDERED that any objections to any testimony or exhibits which have
7 been prefiled as of January 21, 2000, shall be made before January 27, 2000.

8 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to
9 pre-filed testimony shall be reduced to writing and filed no later than five days before the witness is
10 scheduled to testify.

11 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
12 except that all motions to intervene must be filed on or before October 29, 1999.

13 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
14 regulations of the Commission, except that: any objection to discovery requests shall be made within
15 7 days¹ of receipt and responses to discovery requests shall be made within 10 days of receipt; ¹; the
16 response time may be extended by mutual agreement of the parties involved if the request requires an
17 extensive compilation effort; and no discovery requests shall be served after January 27, 2000.

18 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel
19 discovery, any party seeking discovery may telephonically contact the Commission's Hearing
20 Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such a
21 request, a procedural hearing will be convened as soon as practicable; and that the party making such
22 a request shall forthwith contact all other parties to advise them of the hearing date and shall at the
23 hearing provide a statement confirming that the other parties were contacted.²

24 IT IS FURTHER ORDERED that any motions which are filed in this matter and which are
25 not ruled upon by the Commission within 10 days of the filing date of the motion shall be deemed
26 denied.

27 ¹ "Days" means calendar days.

28 ² The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

1 IT IS FURTHER ORDERED that any responses to motions shall be filed within five days of
2 the filing date of the motion.

3 IT IS FURTHER ORDERED that any replies shall be filed within five days of the filing date
4 of the response.

5 IT IS FURTHER ORDERED that the Company shall provide public notice of the hearing in
6 this matter, in the following form and style:

7
8 **PUBLIC NOTICE OF HEARING ON THE**
9 **RATE APPLICATION OF**
VAIL WATER COMPANY

10 On June 18, 1999, Vail Water Company ("Company") filed an application with the
11 Arizona Corporation Commission ("Commission") for a 154 percent increase in water
12 revenues. The actual percentage rate increase for individual customers will vary
13 depending upon the type and quantity of service provided. Copies of the Company's
application and proposed tariffs are available at its office and the Commission's offices
for public inspection during regular business hours.

14 The Commission will hold a hearing on this matter beginning February 3, 2000 at
15 10:00 a.m. at the Commission's offices, Room 222, 400 West Congress St., Tucson,
Arizona. Public comments will be taken on the first day of the hearing.

16 The law provides for an open public hearing at which, under appropriate
17 circumstances, interested parties may intervene. Intervention shall be permitted to any
18 person entitled by law to intervene and having a direct and substantial interest in the
19 matter. Persons desiring to intervene must file a written motion to intervene with the
Commission, which motion should be sent to the Company or its counsel and to all
parties of record, and which, at the minimum, shall contain the following:

- 20 1. The name, address, and telephone number of the proposed intervenor
21 and of any party upon whom service of documents is to be made if
22 different than the intervenor.
- 23 2. A short statement of the proposed intervenor's interest in the
24 proceeding (e.g., a customer of the Company, a shareholder of the
Company, etc.).
- 25 3. A statement certifying that a copy of the motion to intervene has been
26 mailed to the Company or its counsel and to all parties of record in the
case.

27 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
28 that all motions to intervene must be filed on or before October 29, 1999. The

1 granting of intervention, among other things, entitles a party to present sworn evidence
2 at hearing and to cross-examine other witnesses. However, failure to intervene will
3 not preclude any customer from appearing at the hearing and making a statement on
4 such customer's own behalf.

5 The Commission does not discriminate on the basis of disability in admission to its
6 public meetings. Persons with a disability may request a reasonable accommodation
7 such as a sign language interpreter, as well as request this document in an alternative
8 format, by contacting Cynthia Mercurio-Sandoval, ADA Coordinator, voice phone
9 number 602/542-0838, E-mail csandoval@cc.state.az.us. Requests should be made as
10 early as possible to allow time to arrange the accommodation.

11 IT IS FURTHER ORDERED that the Company shall mail to each of its customers a copy of
12 the above notice by September 30, 1999.

13 IT IS FURTHER ORDERED that the Company shall file certification of mailing as soon as
14 practicable after the mailing has been completed.

15 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing of same,
16 notwithstanding the failure of an individual customer to read or receive the notice.

17 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
18 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

19 DATED this 9th day of August, 1999.

20 
JANE L. RODDA
HEARING OFFICER

21 Copies of the foregoing mailed
22 this 9th day of August, 1999 to:

23 Richard L. Sallquist, Esq.
24 SALLQUIST & DRUMMOND, P.C.
25 2525 E. Arizona Biltmore Circle, Suite 117
26 Phoenix, Arizona 85016
27 Attorneys for Vail Water Company

28 Paul Bullis, Chief Counsel
LEGAL DIVISION
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

1 Director of Utilities
2 Arizona Corporation Commission
3 1200 W. Washington Street
4 Phoenix, Arizona 85007

5 Arizona Reporting Service, Inc.
6 2627 N. Third Street, Suite Three
7 Phoenix, Arizona 85004-1103

8 By: 
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